

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CHERYL MARIE MCDONALD,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

CV 21-77-M-DWM

ORDER

The parties having filed a stipulated motion to remand,

IT IS ORDERED that the motion (Doc. 11) is GRANTED. The above-captioned case is REVERSED AND REMANDED to the Agency, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. On remand, the Agency will:

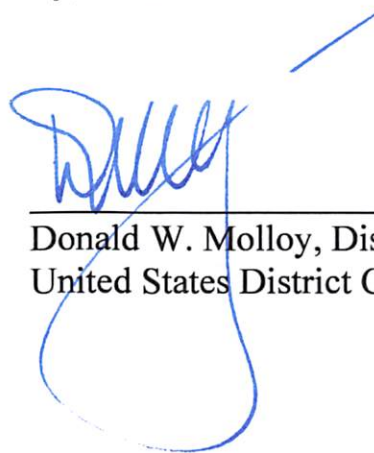
- Obtain medical expert evidence and give further consideration to whether the claimant meets or equals a listing at step three of the sequential evaluation process;
- Offer the claimant the opportunity to attend a hearing for cross-examination purposes, if requested by the claimant;
- As warranted, reconsider the opinion evidence;

- As warranted, re-evaluate the claimant's maximum residual functional capacity;
- As warranted, re-evaluate whether the claimant could perform past or other work in the national economy, obtaining additional vocational expert evidence and resolving any conflicts, as necessary;
- Take any further action needed to complete the administrative record; and
- Issue a new decision.

Plaintiff shall be entitled to reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412(d), upon proper request to this Court.

IT IS FURTHER ORDERED that the Clerk shall enter judgment for Plaintiff.

DATED this 2nd day of February, 2022.



Donald W. Molloy, District Judge
United States District Court